

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

No. 1:08-cv-00318-LHT

SOUTHERN ALLIANCE FOR	)
CLEAN ENERGY,	)
ENVIRONMENTAL DEFENSE	)
FUND, NATIONAL PARKS	)
CONSERVATION	)
ASSOCIATION, NATURAL	)
RESOURCES DEFENSE	)
COUNCIL, and SIERRA CLUB,	)
	)
Plaintiffs,	)
	)
v.	)
	)
DUKE ENERGY CAROLINAS,	)
LLC,	)
	)
Defendant.	)

**EXHIBIT 8**

**DECLARATION OF RICHARD C. GASKINS, JR.**

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CLEAN ENERGY,  
ENVIRONMENTAL DEFENSE  
FUND, NATIONAL PARKS  
CONSERVATION  
ASSOCIATION, NATURAL  
RESOURCES DEFENSE  
COUNCIL, and SIERRA CLUB,

Plaintiffs,

v.

DUKE ENERGY CAROLINAS,  
LLC,

Defendant.

**DECLARATION OF  
RICHARD C. GASKINS, JR.**

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I, Richard C. Gaskins, Jr., declare as follows:

1. I am an attorney who left private practice in February 2008 to assume my current position as Executive Director of the Catawba Riverkeeper Foundation in Charlotte, North Carolina.

2. I received my undergraduate degree in Mechanical Engineering from Duke University in 1980, my law degree from Harvard Law School in June 1984, and have been licensed to practice in North Carolina since 1984.

3. From 1984 until 1989, I worked as an associate at Moore & Van Allen in Charlotte, North Carolina, where I did general litigation and environmental litigation. From 1989 until 1991, I was a partner at Moore & Van Allen, LLP, doing environmental litigation. From 1991 until 2001, I was a partner doing environmental litigation at Petree Stockton, LLP, which subsequently became Kilpatrick Stockton LLP through a merger with Kilpatrick & Cody, LLP. In 2001, I helped form and was a partner at a small litigation boutique firm with 25 attorneys – Hamilton Gaskins Fay & Moon, PLLC – where I continued to do environmental litigation. In March 2005, I returned to Moore & Van Allen as a partner doing environmental litigation.

4. While in private practice, I served as Chair of the Environmental and Natural Resources Section of the North Carolina Bar Association (1994-1995) and in various capacities in the American Bar Association.

5. I am admitted to practice in all North Carolina courts, including all federal district courts in North Carolina. Over the past 25 years, I have argued cases in many different state courts North Carolina, as well as state

courts in Florida, South Carolina and Massachusetts. In addition, I have argued cases in the Fourth Circuit Court of Appeals and Federal District Courts for the Western District of North Carolina, the Middle District of North Carolina, the Eastern District of North Carolina, the Southern District of Florida, the District of Massachusetts, and the District of South Carolina. I have also briefed one case on the merits in the U.S. Supreme Court.

6. While in private practice, I specialized in environmental litigation. I have experience in numerous complex environmental cases, including *Strum v. Exxon* (leaking tank case decided by the 4<sup>th</sup> Circuit), *Maynard, et al. v. Amerada Hess, et al.* (lead counsel for 18 oil company defendants in MTBE class action litigation), *Pipkin, et al. v. Union Oil, et al.* (Truckstop contamination case with approximately 400 plaintiffs), *Castles v. Exxon* (petroleum terminal litigation), and many other environmental lawsuits.

7. Plaintiffs were represented in this litigation by attorneys from the Southern Environmental Law Center (“SELC”) and the Natural Resources Defense Council (“NRDC”). I am familiar with these organizations, whose attorneys are among the nation’s experts in environmental law and frequently litigate complex environmental cases before the federal courts.

8. I am generally familiar with the hourly rates charged by lawyers in the Charlotte area from knowledge of past surveys by the North Carolina Bar Association, experience as a partner at my former law firms, and general awareness of the legal community.

9. I understand that in their motion for attorneys' fees, Plaintiffs are seeking a rate of \$450/hour for Mitchell Bernard's and John Suttles' time, and \$275/hour for Benjamin Longstreth's and Aaron Bloom's time.

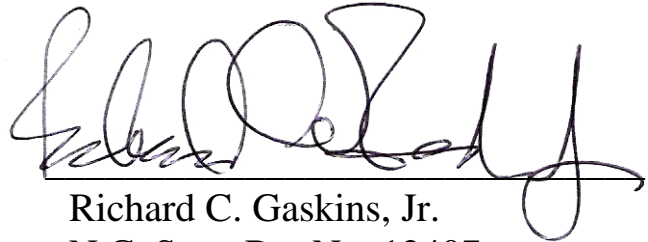
10. Hourly rates for environmental litigators at Charlotte firms exceed \$450 per hour. In the Charlotte area, typical billing rates for attorneys with 20 or more years of experience (comparable to Mr. Bernard and Mr. Suttles) are \$400-500/hour, and for attorneys with 5-7 years of experience (comparable to Mr. Longstreth and Mr. Bloom), \$250-300/hour.

11. The rates sought by Plaintiffs are reasonable and probably at the low end of the range of rates that would be charged by attorneys in private practice with comparable levels of experience.

12. There are few lawyers in private practice willing to represent plaintiffs in significant environmental cases. The cases are often complex and difficult, and typically the parties do not have sufficient funds to pay normal hourly rates to the lawyers.

I declare under penalty of perjury that this statement is true and correct.

This 30th day of July 2009.

A handwritten signature in black ink, appearing to read "Richard C. Gaskins, Jr.", written over a horizontal line.

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